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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/540,741	06/23/2005	Jonas Samuelsson	915-008.037	2915	
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BRADFORD GREEN, BUILDING 5			SHAH, PARAS D		
755 MAIN ST MONROE, CT	REET, P O BOX 224 Γ 06468	ART UNIT	PAPER NUMBER		
			2626		
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			09/29/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

	Application No.	Applicant(s)		
	10/540,741	SAMUELSSON ET AL.		
	Examiner	Art Unit		
PARAS SHAH		2626		

application, applicant must timely file one of the following replies; (1) an amendment, affidavit, or other evidence, which places at application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Reques for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on. (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later, no event however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: It box is checked, check either tox (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WELD WITHIN TO MONTHS OF THE FINAL REJECTION. See NPEP 7/6.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the The appropriate extension fee have been filed in the date for purposes of determining the period of extension and the corresponding amount of the The appropriate extension fee war even of the filed of the final rejection, even if timely file may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL A brief in compliance with 37 CFR 4.137 must be filed within two months of the date of the filed within two months of the date of the filed within two months of the date of the filed within two months of the date of the filed within two months of the date of the filed within two months of the date of the filed within two months of the date of the filed within two months of the date of the filed within two months of the date of the filed within two months of the date of the filed within two months of the date of		PARAS SHAH	2626						
THE REPLY FILED 22 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of the application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expires on: (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. No event, however, will the statutory period for reply expires later than 15X MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE IRRST REPLY WAS PILED WITHIN TO. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE IRRST REPLY WAS PILED WITHIN TO. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE IRRST REPLY WAS PILED WITHIN TO. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE IRRST REPLY WAS PILED WITHIN TO. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE IRRST REPLY WAS PILED WITHIN TO. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE IRRST REPLY WAS PILED WITHIN TO. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE IRRST REPLY WAS PILED WITHIN TO. Examiner Note: If box 1 is checked, box 1 is checked by the filed of the filed repleation of the washes the checked by the filed of the filed repleation of the very sent the world within the washes the checked by or (b) within the washes	The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress					
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a) ☐ The period for reply expiresmonths from the mailing date of the final rejection. b) ☐ The period for reply expires on: (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. no event however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box it is checked, check either fox (3) or (5). ONLY CHECK BOX (6) WHEN THE FIRST REPLY WAS FILED WITHIN TO MONTHS OF THE FINAL REJECTION. See NPEP 7/6.07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension for have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension the lave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension the lave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension the lave of the filed of the final rejection, even if timely file may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2 ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 4.1.37(a). MENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise he issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They are not deemed to place the app	. Material The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time								
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have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension tender 37 CPR 1.17(a) is acclusited from: (1) the experiation date of the shorthend statutory period for reply originally set in the final Office action; or (2) set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely file may reduce any earned patent term adjustment. See 37 CPR 1.70(a) for the proposed amended the mail rejection, even if timely file may reduce any earned patent term adjustment. See 37 CPR 1.70(a) for any extension thereof (37 CPR 41.37(e)), to avoid dismissal of the appeal. Sino Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS AMENDMENTS The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): which is a separate, timely filed amendment canceling the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) Will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) objected to:									
 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissaid of the appeal. Sino Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS AMENDMENTS The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise he issue of new matter (see NOTE below); (c) ☐ they raise the issue of new matter (see NOTE below); (d) ☐ they raise the distort (see NOTE below); (e) ☐ they raise the distort (see NOTE below); (f) ☐ they raise the distort (see NOTE below); (g) ☐ they raise the size of new matter (see NOTE below); (g) ☐ they raise the distort (see NOTE below); (g) ☐ they raise the size of the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (g) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). (g) ☐ they proposed or amendments are not in compliance with 37 CFR 1.121.9 see attached Notice of Non-Compliant Amendment (PTOL-324). (g) ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). (g) ☐ the status of the claim(s) is (or will be) as follows: (laim(s) allowed:	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filled it be date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee heur date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any examed patent term adjustment. See 37 CFR 1.704(b).								
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(a)	<u>AMENDMENTS</u>								
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.112. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's relply has overcome the following rejection(s): ☐ Newly proposed or amended claim(s) ☐ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s). 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: ☐ Claim(s) rejected: 1:2126 and 32. Claim(s) eligeted: 1:2126 and 32. Claim(s) withdrawn from consideration: ☐ AFFIDA/IT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary an was not earlier presented. See 37 CFR 1.116(e) 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e) 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims s	(a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below);								
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5.	NOTE: See Continuation Sheet. (See 37 CFR 1.11	16 and 41.33(a)).							
6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) May will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	 The amendments are not in compliance with 37 CFR 1.12 	 See attached Notice of Non-Cor 	mpliant Amendment (PTOL-324).					
non-allowable claim(s). Now for purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-21-26 and 32. Claim(s) rejected: 1-21-26 and 32. Claim(s) rejected: 1-21-26 and 32. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary an was not earlier presented. See 37 CFR 1.116(e). □ ☐ The affidavit or other evidence filed the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. ☐ The affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).									
how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) rejected: 121.26 and 32. Claim(s) rejected: 121.26 and 32. Claim(s) windrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary an was not earlier presented. See 37 CFR 1.116(e). The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.	non-allowable claim(s).								
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 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary as not earlier presented. See 37 CFR 1.116(e) 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. 									
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	entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).								
X The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.									
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).									
13. Other:									
/Patrick N. Edouard/ Supervisory Patent Examiner, Art Unit 2626 Examiner, Art Unit 2626									

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Continuation of 3. NOTE: The newly amended limitation of "memory: in claim 26 raise new issue that require further search and/or consideration...

Continuation of 11, does NOT place the application in condition for allowance because: Regarding the rejections for claims 1-3, 8-10, 26, and 32, the Applicants argue that the limitation of "dapling in a filter in response to the estimated background noise to obtain an adapted filter and applying said filter to said speech signal so as to reduce background acoustic noise and re reduce distortion, including quantization noise, caused by speech acofficing in said speech signal" is not taught by the references Atal in view of Tasaki. The saminer respectfully disagrees with this assertion. The primary reference, Atal, was cited to teach the use of a adaptive filter being used to predict noise and applying the filter to the speech signal (see Atal, col. 9, lines 35-40, and lines 45-50). The feature that is not discosed in Atal is the estimation of background noise, although Atal does teach the prediction of noise (see col. 9, lines 35-40). Tasaki was cited in col. 6, lines 15-17 to teach the use of estimating background noise, Further, Tasaki mentions the use of a filter for using testimated background noise and apply it to the speech signal in col. 7, lines 37-46. Hence, Tasaki discloses the use of a filter for reducing background noise. Thus, the combination of Atal in view of Tasaki teach all of the limitations in claims 1-3,8-10, and 26.

Further, claims 15 and 32 recite similar limitations as those argued above, and are rejected for the same reasons.

All rejections for claims not discussed are maintained.